UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 99-40939

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

VERSUS

KELLY LEWIS MARTIN,

Defendant-Appellant.

Appeal from the United States District Court
for the Eastern District of Texas
(6:98-CR-72)

Before DAVIS, DUHE and DENNIS, Circuit Judges.
PER CURIAM:*

After considering the briefs and the argument of counsel, we are persuaded that the district court committed no reversible error.

AFFIRMED.

*Pursuant to 5TH Cir. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIF. R. 47.5.4.

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No- 99-40939

UNITED STATES OF AMERICA
Plaintiff - Appellee

v.

KELLY LEWIS MARTIN

Defendant - Appellant

Appeal from the United States District Court for the Eastern District of Texas, Tyler

ON PETITION FOR REHEARING AND REHEARING EN BANC

(Opinion 6/13/00,5 Cir., F.3d_)

Before DAVIS, DUNE and DENNIS, Circuit Judges.

PER CURIAM:

(X) The Petition for Rehearing is DENIED and no member of this panel nor judge in regular active service on the court having requested that the court be polled on Rehearing En Banc, (Ffin_R.Apa.P. and 5TH CIR.R. 35) the Petition for Rehearing En Banc is also DENIED.

( ) The Petition for Rehearing is DENIED and the court having been polled at the request of one of the members of the court and a majority of the judges who are in regular active service not having voted in favor, (Fed. R. App. P. and 5TH CIR. R. 35) the petition for Rehearing En Banc is also DENIED.

( ) A member of the court in active service having requested a poll on the reconsideration of this cause en banc, and a majority of the judges in active service not having voted in favor, Rehearing En Banc is DENIED.

ENTERED FOR THE COURT:

/s/_____
United States Circuit Judge